

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

ANTHONY WAYNE MCCA

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Plaintiff,

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v.

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Case No.: 7:12-CV-2688-VEH

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ETTA EDWARDS,

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Defendant.

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**MEMORANDUM OPINION ADOPTING MAGISTRATE’S
REPORT AND RECOMMENDATION**

The magistrate judge filed a report and recommendation (doc. 59) on June 26, 2015. On July 9, 2015, the plaintiff filed his “Objection” (doc. 60) to that report and recommendation. Accordingly, the plaintiff’s Motion for Default Judgment (doc. 53), his [Supplemental] Motion for Default Judgment (doc. 57), and the Report and Recommendation are ripe for review by the undersigned.

STANDARD OF REVIEW

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge’s report and recommendation. *See* 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district judge “shall make a *de novo* determination of those

portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This requires that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” *Jeffrey S. v. State Bd. of Educ.*, 896 F.2d 507, 512 (11th Cir. 1990) (citation omitted). A district judge must review legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. Southern Ry.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff’d* 28 F.3d 116 (11th Cir. 1994). That said, the court also acknowledges the principle that “[n]either the Constitution nor the statute requires a district judge to review, *de novo*, findings and recommendations that the parties themselves accept as correct.” *United States v. Woodard*, 387 F.3d 1329, 1334 (11th Cir. 2004) (citation omitted). Moreover, absent specific objections, there is no requirement that a district judge review factual findings *de novo*. *See Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993) (noting that when a party “did not file specific objections to *factual findings* by the magistrate judge, there was no requirement that the district court *de novo* review those findings”) (emphasis in original) (citations omitted).

THE REPORT AND RECOMMENDATION

In the report and recommendation, the magistrate judge recommended that the plaintiff’s motion for default judgment (doc. 53) be granted, and that the plaintiff’s

[supplemental] motion for default judgment (doc. 57) be termed as moot. The magistrate judge further recommended that, in light of the facts as found and the plaintiff's failure to show any actual damages, judgment be entered in favor of the plaintiff and against the defendant Etta Edwards in the sum of \$1.00 as nominal damages.

THE OBJECTIONS

Although the plaintiff has titled his filing an Objection, the statements in it, do not accurately reflect what the magistrate judge actually wrote in his report and recommendation. Further, none of the plaintiff's objections, even if accurate, have any impact on any issue to be decided by this court. Finally, the plaintiff has still failed to supply any factual or legal basis for his claim of \$300,000 in damages.

ANALYSIS

The plaintiff has pointed to no error in the magistrate judge's finding of no showing of damages that would support an award of more than nominal damages. Further, this court finds there was no error in that finding or in the application of law to that finding. Accordingly, the undersigned finds that the magistrate judge's findings are due to be adopted and his recommendation is due to be accepted.

CONCLUSION

Accordingly, for the reasons set out above, the court will adopt the magistrate judge's and accept his recommendations. A final order will be entered separately.

DONE and **ORDERED** this 21st day of July, 2015.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS

United States District Judge